

2019

2017-2018 Legislative Summary

Assembly Committee on Labor and Employment

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ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT



2017-2018 LEGISLATIVE SUMMARY

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Assembly
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ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT
TONY THURMOND, CHAIR
ASSEMBLYMEMBER, FIFTEENTH DISTRICT

November 2018

Dear Friends:

As Chair of the Assembly Committee on Labor and Employment, I am proud to submit this annual report summarizing legislation the Committee heard and voted on during the 2017-18 legislative session.

This year continued a recent trend of important legislative gains for workers and working families in California. I am extremely proud of what we have accomplished to advance the interests of employees, working families, and the employer community.

Most significantly, the Legislature tackled the issue of sexual harassment in the workplace. As the #MeToo movement continues to uncover the pervasive sexual harassment and assault that countless individuals have endured, Governor Jerry Brown signed several bills addressing the topic, including SB 1300 (Jackson) which provides guidance to the courts on the legal standard for sexual harassment litigation so that it is fairly applied in court to protect victims. The bill also prohibits non-disparagement agreements and releases of claims that prevent sexual harassment victims from speaking out about abuse. The Governor also signed SB 1343 (Mitchell), strengthening our sexual harassment training requirements by ensuring that companies with five or more employees also provide training against sexual harassment. These were landmark pieces of legislation, and I am proud of the Committee's role in approving these important bills.

This year we also addressed the long-standing challenge for workers who wish to continue breastfeeding after the birth of a child, through efforts to improve lactation accommodations in the workplace. AB 1976 (Limon) requires employers to make reasonable efforts to provide an employee wishing to express breast milk in private with an area in close proximity to their workspace that is not a bathroom.

We also expanded the opportunity to further develop California's apprenticeship training programs by authorizing AB 235 (G'Donnell) which created a two-pronged process for the approval of new apprenticeship programs, maintaining the current process for the trades and



Assembly Bills

AB 5 Gonzalez Employers: Opportunity to Work Act

Creates the Opportunity to Work Act, which requires an employer with ten or more employees to offer additional hours of work to an existing nonexempt employee before hiring an additional employee or subcontractor.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 46 Cooper Employers: wage discrimination

Expands California's pay equity laws for women and minorities to encompass all employees in both the public and private sectors.

STATUS: Chapter # 776, Statutes of 2017.

AB 55 Thurmond Hazardous materials management: stationary sources

Requires refineries who claim an exemption to skilled and trained workforce requirements, to file with the administering agency a complete copy of the contract and a second copy of the contract that has been redacted only to the extent necessary to protect sensitive information and that includes the identity of the contractor, the scope of the work covered by the contracts, the date of execution of the contract, and the term of the contract. Also requires the redacted copy to be a public record.

STATUS: Chapter # 608, Statutes of 2017.

AB 168 Eggman Employers: salary information

Prohibits all employers, including the Legislature, the state, and local governments, from seeking salary history information about an applicant for employment and requires an employer to provide the pay scale for a position to an applicant upon reasonable request, among other things.

STATUS: Chapter # 688, Statutes of 2017.

AB 199 Chu Public works: private residential projects

Requires private residential projects built on private property, paid for in whole or in part out of public funds, and built pursuant to an agreement with a successor agency to a redevelopment agency when acting in that capacity to meet the requirements of public works, including the payment of prevailing wages.

STATUS: Chapter # 610, Statutes of 2017.

AB 235 O'Donnell Apprenticeship and preapprenticeship

Authorizes a two-pronged process for the approval of apprenticeship programs, maintaining the current process for the trades and firefighting, and establishes a separate path for programs in newly emerging areas of apprenticeship.

STATUS: Chapter # 704, Statutes of 2018.

AB 263 Rodriguez EMS workers: rights and working conditions

Codifies specific meal period and rest period provisions for emergency medical services employees.

STATUS: In Senate Rules Committee, dead bill.

AB 281 Salas Labor Code PAGA of 2004: right to cure

Extends the period of time in which an employer may cure violations of the Labor Code enforced by the Labor Code Private Attorneys General Act of 2004 (PAGA) from 33 to 65 calendar days.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 316 Waldron, Salas Workforce development

Requires the California Workforce Development Board (Board) to create a grant program, which would award funds to projects that expedite and increase the number of middle-skill workers that assists eligible targeted populations and meets other requirements as specified.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 353 Voepel Employment policy: voluntary veterans' preference

Enacts the Voluntary Veterans' Preference Employment Policy Act and authorize a private employer to establish a veterans' preference employment policy.

STATUS: In Senate Judiciary Committee, dead bill.

AB 376 Chávez Veterans benefits: veteran farmers or ranchers

Requires by July 1, 2018, the California Labor and Workforce Development Agency, the California Department of Veterans Affairs, and the California Department of Food and Agriculture to post information on their respective websites to assist, educate, train, and otherwise support California's military veterans to enter into farming or ranching careers in California.

STATUS: Chapter # 188, Statutes of 2017.

AB 387 Thurmond Minimum wage: health professionals: interns

Broadens the definition of employer related to minimum wage provisions to include a person employing any person, engaged in supervised work experience, to satisfy requirements for licensure, registration or certification as an allied health professional, with exceptions.

STATUS: Assembly Floor, dead bill.

AB 402 Thurmond Occupational safety and health standards: plume

Requires the Occupational Safety and Health Standards Board (Board) to adopt standards to protect healthcare personnel and patients from noxious airborne contaminants "plume" generated during specified medical procedures.

STATUS: Vetoed by Governor Brown.

AB 442 Frazier Employer liability: small business and microbusiness

Prohibits the Division of Occupational Safety and Health (DOSH) from commencing any enforcement action for any non-serious violation against any employer where the employer is a small business or microbusiness, without first giving the employer written notice and providing the employer 30 days to correct the violation.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 450 Chiu Employment regulation: immigration worksite enforcement

Prohibits an employer from providing access to a federal government immigration enforcement agent to any non-public areas of a place of labor if the agent does not have a warrant.

STATUS: Chapter # 492, Statutes of 2017.

AB 472 Frazier Employer liability: small business and microbusiness

Prohibits the Division of Occupational Safety and Health (DOSH) from commencing any enforcement action for any non-serious violation against any employer where the employer is a small business or microbusiness, without first giving the employer written notice and providing the employer 30 days to correct the violation.

STATUS: Reintroduction of AB 442, In Senate Rules Committee, dead bill.

AB 543 Chen Employment: resident apartment manager wages

Extends the exemption from orders of the Industrial Welfare Commission to an employer who does not charge the resident apartment manager any rent and, pursuant to a voluntary written agreement, applies up to one-half of the fair market rental value, with no cap of the apartment to meet his or her minimum wage obligations to the manager.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 569 Gonzalez Fletcher Discrimination: reproductive health

Prohibits an employer, or any person acting on behalf of an employer, from taking any adverse action against an employee or their dependent or family member for their reproductive health decisions, including, but not limited to, the timing thereof, or the use of any drug, device, or medical service.

Specifies that an employer who takes any adverse employment action against an employee in violation of these provisions is liable to the aggrieved employee who shall recover a penalty and obtain any other appropriate relief to remedy the violation, as specified.

STATUS: Vetoed by Governor Brown.

AB 579 Flora Apprenticeship: fire protection: firefighter preapprenticeship

Requires the Division of Apprenticeship Standards (DAS), in collaboration with the California Firefighter Joint Apprenticeship Committee (CAL-JAC), to develop a statewide firefighter pre-apprenticeship program (Program) designed to recruit candidates from underrepresented groups.

STATUS: Chapter # 344, Statutes of 2017.

AB 581 McCarty Apprenticeships on public works projects

Imposes requirements on apprenticeship programs that receive grants from the California Apprenticeship Council (Council) in order to continue receiving funds.

STATUS: Chapter # 553, Statutes of 2017.

AB 708 Quirk-Silva OSHA: accidents: responding agency notifications

Revises the requirements for when a state, county, or local fire or police agency (Agency) must notify the Division of Occupational Safety and Health (DOSH) regarding an accident.

STATUS: In Senate Appropriations Committee, dead bill.

AB 815 Cooper Farm labor contractors

Requires the Labor Commissioner to ensure that the Farm Labor Contractor Special Enforcement Unit, within the Fresno office of the Department of Industrial Relations (DIR), has enough resources to fulfill its duties related to the licensing of, and the processing of complaints against, farm labor contractors.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 817 Flora Compensation: rest or recovery periods

Permits an employer of EMS workers to require employees to monitor and respond to pagers or other communication methods during rest or recovery periods without penalty, and allows for mandated rest or recovery periods to be rescheduled.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 849 Acosta California Workforce Development Board: task force

Directs the California Workforce Development Board (CWDB) to convene and lead a task force with the goal of resolving inconsistencies among performance measures for the state's workforce education and training programs.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 902 Santiago Career technical education and workforce development

Requires the Secretary of Labor and Workforce Development, in conjunction with the California Workforce Development Board, the Office of the Chancellor of the California Community Colleges, and the State Department of Education to develop a strategic plan for connecting the delivery of education and workforce development.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 978 Limón Employment safety: injury and illness prevention program

Provides for employee access to written injury and illness prevention programs (IIPPs), as specified.

STATUS: Vetoed by Governor Brown.

AB 1008 McCarty, et al Employment discrimination: conviction history

Prohibits an employer, with certain exceptions, from inquiring about or considering a job applicant's conviction history prior to a conditional offer of employment, and sets requirements regarding the consideration of conviction histories in employment decisions.

STATUS: Chapter # 789, Statutes of 2017.

AB 1066 Aguiar-Curry Public works: definition

Expands the meaning of the term public works to include tree removal work done in the execution of a project, as defined.

STATUS: Chapter # 616, Statutes of 2017.

AB 1099 Gonzalez Fletcher Compensation: gratuities

Requires entities as specified, which permit a patron to pay for services performed by a worker by debit or credit card, to also accept a debit or credit card for payment of gratuity.

STATUS: In Senate Labor and Industrial Relations Committee, dead bill.

AB 1149 Arambula, E. Garcia Workforce investment boards: funding

Allows Local Workforce Development Boards (LWDBs) to classify funds spent providing supportive services to those served by the federal Workforce Innovation and Opportunity Act (WIOA) as "leveraged funds" that satisfy mandated spending requirements for workforce training.

STATUS: Chapter # 324, Statutes of 2017.

AB 1173 Harper Employment: work hours: holiday season: overtime

Establishes an overtime exemption for an employee-selected holiday season flexible work schedule by allowing during the holiday season, as defined, at the request of an individual nonexempt employee working in the retail industry, and upon employer approval, an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek. The employer would be obligated to pay overtime based on the employee's regular rate of pay, as prescribed, for all hours worked over 40 hours in a workweek or over 10 hours in a workday, whichever is greater, as specified.

STATUS: Failed passage in the Assembly Committee on Labor and Employment.

AB 1174 Harper Right to work: labor organizations

Establishes the "California Right to Work Act of 2017" which prohibits a person from requiring an employee, as a condition of obtaining or continuing employment, to contribute financial support to a labor organization as specified. Permits an employee or potential employee to seek injunctive relief, or monetary damages, or both, for violations or threatened violations of these provisions.

STATUS: Failed passage in the Assembly Committee on Labor and Employment.

AB 1209 Gonzalez Fletcher Employers: gender pay differentials

Requires employers of 500 or more employees in California to collect information as specified on gender wage differentials for exempt employees and board members located in California and submit it to the Secretary of State (SOS) for publication on its internet website.

STATUS: Vetoed by Governor Brown.

AB 1283 Rodriguez Mutual aid: reimbursements: volunteer firefighters

Adds new requirements pertaining to how reimbursements are passed through to volunteer firefighters operating under an agreement for those volunteers to respond to a mutual aid request. Additionally, the bill limits the amount of mutual aid response that these volunteers may perform under these agreements and stipulates that volunteers may pursue a civil action if the bill's terms are violated.

STATUS: On Senate Floor, dead bill.

AB 1336 Mullin California Workforce Development Board

Tasks the California Workforce Development Board (CWDB) with determining approaches to measure the labor market impact of relevant workforce development programs, provided that the approach methodologies are statistically rigorous, while also authorizing the CWDB or its designee to receive associated data from designated partners to collect and report participating program outcomes.

STATUS: Chapter # 211, Statutes of 2017.

AB 1376 Caballero Apprenticeship: preapprenticeship programs for women

Requires the Division of Apprenticeship Standards (DAS) within the Department of Industrial Relations, to develop curricula for, and to provide certification for, pre-apprenticeship programs for women in the construction trades.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 1389 Bigelow Employment safety: boiler and tank inspections

Exempts in the same manner as provided by law for a public entity, an insurer, its agents, employees, or service contractors from liability for injury caused by failure to make an inspection, or by reason of making an inadequate or negligent inspection, of a tank or boiler, for the purpose of determining whether it is in a safe condition for operation.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 1425 Kalra Apprentices

Requires a contractor within a designated time period, to provide specific written information to applicable apprenticeship committees whose geographic area of operation includes the area of the public works project and, would impose additional penalties for a violation of these provisions.

STATUS: On Senate Floor, dead bill.

AB 1429 Fong Labor Code Private Attorneys General Act of 2004

Limits the violations for which an aggrieved employee is authorized to bring a civil action under the act and would require the employee to follow specified procedures before bringing an action. Caps the civil penalties recoverable under these provisions at \$10,000 per claimant and would exclude the recovery of filing fees by a successful claimant. The bill would require the superior court to review any penalties sought as part of a settlement agreement under these provisions.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 1430 Fong Labor Code Private Attorneys General Act of 2004

Revises those procedural provisions to require the agency, after receiving notification of an alleged violation, to investigate the alleged violation and either issue a citation or determine if there is a reasonable basis for a civil action. Authorizes an aggrieved employee to commence an action upon receipt of notice from the agency that there is a reasonable basis for a civil action, or if the agency fails to provide timely or any notification, as specified.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 1503 Aguiar-Curry Farm labor contractors

Excludes a nonprofit organization that is engaged in administering an accredited apprenticeship program, as specified, from definition of "farm labor contractor."

STATUS: In Assembly Appropriations Committee, dead bill.

AB 1548 Fong Occupational safety and health: penalties

Authorizes local public entities such as cities, counties, and special districts to apply for a refund of civil penalties assessed for violations of occupational safety and health laws if the conditions have been corrected.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 1556 Mark Stone Employment discrimination: unlawful practices

Updates the Fair Employment and Housing Act (FEHA) to use gender inclusive references to individuals, thereby clarifying that all Californians are protected against discrimination, including pregnancy discrimination, regardless of their gender identity.

STATUS: Chapter # 799, Statutes of 2017.

AB 1565 Thurmond Labor-related liabilities: direct contractor

Makes technical and clarifying changes to the recently created joint liability provisions for construction contractors and subcontractors from AB 1701 (Thurmond) of 2017.

STATUS: Chapter # 528, Statutes of 2018.

AB 1576 Levine Modeling agencies: licensure: models: employees

Establishes eating disorder and sexual harassment training standards and requirements for models and modeling agencies.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 1648 Muratsuchi Refineries: inspectors

Requires the Division of Occupational Safety and Health to increase the number of inspectors for the department's refinery inspector program by an unspecified percentage.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 1654 Rubio Labor Code PAGA of 2004: construction industry

Exempts construction workers from the Private Attorneys General Act (PAGA) who are covered by a collective bargaining agreement, if that agreement expressly provides for, among other things, a grievance and binding arbitration procedure to redress violations that would have been remedied under PAGA.

STATUS: Chapter # 529, Statutes of 2018.

AB 1656 Burke Certified nurse assistant training

Requires the Employment Training Panel to establish a grant award program to fund training programs for certified nurse assistants by interested and qualified applicants, as specified. Requires, on or before July 1, 2018, the establishment of criteria for awarding grants and training program standards. The bill would also appropriate \$3,000,000 from the General Fund to the Employment Training Panel to implement the grant award program.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 1700 Cooper Cannabis: license application: OSHA training

Requires an applicant for a cannabis license to provide a statement to the licensing entity that the applicant will have an employee who has taken a specified Occupational Safety and Health Administration course.

STATUS: In Senate Appropriations Committee, dead bill.

AB 1701 Thurmond Labor-related liabilities: original contractor

Holds general contractors and subcontractors jointly liable for unpaid wages, including fringe benefits.

STATUS: Chapter # 804, Statutes of 2017.

AB 1761 Muratsuchi Employee safety: hotel workers

Requires hotel employers, as defined, to (1) provide their employees who work alone in guestrooms with a panic button to be used in case of emergency, and (2) develop protocols and training to respond to the activation of a panic button.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 1789 Salas Occupational safety and health: Valley Fever

Requires the Occupational Safety and Health Standards Board (Board) to adopt Valley Fever standards for state public works projects. These standards must require employers to take certain steps to limit the risk of Valley Fever, such as minimizing worker exposure to spores and identifying knowledgeable health care providers to treat the illness.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 1867 Reyes Employment discrimination: sexual harassment: records

Requires an employer with 50 or more employees to maintain records of internal complaints alleging sexual harassment for at least five years and authorizes the Department of Fair Employment and Housing (DFEH) to seek an order of compliance when an employer violates the recordkeeping requirement.

STATUS: Vetoed by Governor Brown.

AB 1870 Reyes Employment discrimination: limitation of actions

Increases the filing period with the Department of Fair Employment and Housing for complaints of unlawful employment practices from one to three years.

STATUS: Vetoed by Governor Brown.

AB 1885 E. Garcia Undocumented workers: California Resident Worker Program and Economic Stabilization Act

Creates a working group to issue a report with recommendations regarding a work permit program for undocumented persons in the agricultural and service industries to submit to the Governor and Legislature and obligates the Governor to make a formal request to the federal government to implement the program.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 1902 Levine Eligible employers: personal services contracts

Requires employers valued at \$1 billion or more by the Department of Industrial Relations (DIR), who enter into a personal services contract, as defined, to include in those contracts a provision requiring an unspecified wage.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 1913 Kalra Foreign labor contractors

Adds foreign labor contractors who recruit or solicit agricultural workers to coverage under the State Labor Commissioner's (LC) foreign labor contractor registration program.

STATUS: On Assembly Floor, failed passage.

AB 1938 Burke Employment discrimination: familial status

Prohibits an employer or other covered entity or employment agency from printing or circulating a publication, or making a nonjob-related inquiry of an employee or applicant that expresses any limitation, specification, or limitation based upon a person's familial status, as defined. The bill would make related findings and declarations. Would allow an employer to receive information regarding familial status that is provided by a prospective employee voluntarily and without prompting.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 1976 Limón Employment: lactation accommodation

Requires employers to make reasonable efforts to provide an employee wishing to express breast milk in private with an area in close proximity to their workspace that is not a bathroom.

STATUS: Chapter # 940, Statutes of 2018.

AB 2016 Fong Labor Code PAGA of 2004: civil actions

Modifies the procedures for bringing a civil action under the Labor Code Private Attorneys General Act of 2004 (PAGA), what violations may be cured, the time line for curing those violation and the remedies available to aggrieved employees.

STATUS: In Assembly Committee on Labor and Employment, failed passage.

AB 2069 Bonta Medicinal cannabis: employment discrimination

Provides that the medical use of cannabis by a qualified patient or person with an identification card to treat a known physical, mental disability or medical condition is subject to reasonable accommodation by an employer.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 2079 Gonzalez Fletcher Janitorial workers: sexual violence and harassment prevention training

Requires the Director of the Department of Industrial Relations to form an advisory committee to refine the recommendations of a different advisory committee on in-person sexual violence and harassment prevention training requirements for janitorial employers and employees.

STATUS: Vetoed by Governor Brown.

AB 2223 Flora Wages: written statements

Lengthens the timelines for employers to provide to employees certain information about the payment of wages and other related information and extends the time for an employer to respond to an employee's request to inspect or copy records pertaining to their employment.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 2282 Eggman Salary history information

Makes clarifying changes to existing provisions regarding the use of a job applicant's prior salary to prohibit use of prior salary to justify any disparity in compensation. Also clarifies that an employer may make a compensation decision based on a current employee's existing salary, so long as the wage differential resulting from that compensation decision is justified by other specified factors in current law. Specifies that the prohibition on asking a job applicant about prior salary does not forbid an employer from asking the applicant about his or her salary expectations for the position being applied for.

STATUS: Chapter # 127, Statutes of 2018.

AB 2314 Ting, Gonzalez Fletcher Private employment: domestic workers

Requires that the Department of Industrial Relations' (DIR's) Division of Labor Standards Enforcement (DLSE) create a Domestic Work Enforcement Pilot Program, in collaboration with qualified organizations, to provide resources, education, and training regarding labor standards in the domestic work industry for both employees and employers.

STATUS: Vetoed by Governor Brown.

AB 2317 Eggman Whistleblower protection: county patients' rights advocates

Extends whistleblower protections to individuals and entities that have contracts with state or local government to oversee compliance with patients' rights in county mental health treatment facilities.

STATUS: Vetoed by Governor Brown.

AB 2334 Thurmond Occupational injuries and illness: reporting requirements: electronic submission

Authorizes the Department of Industrial Relations (DIR) to publish certain cost and performance information regarding public self-insured employers' workers' compensation programs, provides that workplace recordkeeping violations continue until corrected or discovered, and requires the formation of an advisory committee if a federal rule for employer electronic reporting of injuries and illnesses is eliminated.

STATUS: Chapter # 538, Statutes of 2018.

AB 2338 Levine Talent agencies: education and training

Requires talent agencies to provide educational materials on sexual harassment prevention, retaliation, nutrition and eating disorders to its adult artists. Requires a parent or legal guardian of a minor between 14 to 17 years of age, as well as the age-eligible minor, receive training in sexual harassment prevention, retaliation, and reporting prior to the issuance of an entertainment work permit by the Labor Commissioner (LC). Provides that failure to comply with these requirements would expose talent agencies to civil penalties imposed by the LC.
STATUS: Chapter # 967, Statutes of 2018.

AB 2358 Carrillo Apprenticeships: discrimination: prohibition

Prohibits discrimination in any building and construction trades apprenticeship program on the basis of certain enumerated categories with regards to acceptance into or participation in the program as specified.
STATUS: Chapter # 675, Statutes of 2018.

AB 2366 Bonta Employment: victims of sexual harassment: protections

Allows victims of sexual harassment to take time off from work to obtain legal relief and other services in the same manner that existing law allows victims of domestic violence, sexual assault, and stalking to take time off from work, and extends the rights of job-protected leave to family members, as defined, of victims.
STATUS: In Assembly Appropriations Committee, dead bill.

AB 2388 Chu Employment: minors

Clarifies that the labor code sections establishing additional regulations for minors in the entertainment industry do not prohibit minors from appearing in specified digital exhibitions.
STATUS: Chapter # 261, Statutes of 2018.

AB 2420 Quirk-Silva Workforce development: soft skills training

Authorizes the Employment Training Panel (ETP) to include "soft skills," as defined, in the type of job-related basic and literacy skills training for which a training contract may be provided.
STATUS: Chapter # 216, Statutes of 2018.

AB 2482 Voepel Employment: flexible work schedules

Permits an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday, except

as specified. Requires that the flexible work schedule contain specified information and the employer's and the employee's original signature. Also requires the Division of Labor Standards Enforcement to adopt regulations.

STATUS: In Assembly Committee on Labor and Employment, failed passage.

AB 2484 Voepel Private employment: compensating time off: exceptions

Authorizes employees who are subject to specified wage orders, including those applicable to certain agricultural occupations and manufacturing industry employees, to receive compensating time off in lieu of overtime compensation.

STATUS: In Assembly Committee on Labor and Employment, failed passage.

AB 2496 Gonzalez Fletcher Janitorial employees: employment status: burden of proof

Creates a rebuttable presumption that a worker in the janitorial field is an employee, and therefore is due the same protections and privileges as other employees.

STATUS: Vetoed by Governor Brown.

AB 2509 Waldron Employees: meal breaks

Allows an employee to submit a written request to his or her employer to waive the employee's off-duty meal period and instead take an on-duty meal period in order to reduce the employee's work shift by not less than 30 minutes, subject to employer approval, and prohibits an employer from encouraging or soliciting an employee to make such a request.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 2605 Gipson Rest breaks: petroleum facilities: safety-sensitive positions

Provides that petroleum facility employees in safety-sensitive positions who are covered by a valid collective bargaining agreement, as specified, are exempt from the requirement that employees be relieved of all duties during rest periods until January 1, 2021.

STATUS: Chapter # 584, Statutes of 2018.

AB 2610 Aguiar-Curry Employees: meal periods

Permits commercial drivers transporting commercial feed to a consumer in a rural area to commence a meal period after six hours, as specified.

STATUS: Chapter # 148, Statutes of 2018.

AB 2613 Reyes Failure to pay wages: penalties

Repeals and revises existing penalties for failure to pay wages to an employee.

STATUS: On the Assembly Floor, dead bill.

AB 2680 Jones-Sawyer**Employment: applicants: criminal conviction history consent form**

Requires the Department of Justice to adopt a standard form for use by an employer, whether public or private, seeking the consent of an applicant for employment to conduct a conviction history background check on that applicant by the department, as specified. The bill would also require an employer to use that document when seeking the consent of an applicant for employment to conduct a conviction history background check by the department.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 2732 Gonzalez Fletcher**Employment: unfair immigration-related practices: janitorial workers: sexual violence and harassment prevention training**

Prohibits an employer from and imposes penalties for withholding an employee's immigration-related documents and requires that specified employees receive a Worker's Bill of Rights regarding freedom of movement and payment of wages. Also clarifies the definition of a janitorial services' employer, requires that the employer maintain accurate records, as specified, for all covered workers, and revises the employer registration process to require substantiation that sexual violence and harassment prevention training was provided.

STATUS: Vetoed by Governor Brown.

AB 2751 Mark Stone**Agricultural labor relations**

Requires the Agricultural Labor Relations Board (ALRB) to process to final board order all decisions with monetary remedies owed to employees, including those with compliance proceedings, within one year of a finding of liability. Also requires immediate implementation of a final board order resulting from mandatory mediation and provides a process to request mandatory mediation if specified provisions of a previously mediated agreement have expired.

STATUS: Chapter # 718, Statutes of 2018.

**AB 2765 Low
benefits****Employment benefits: digital marketplace: contractor**

Creates a portable benefit plan for contractors of the digital economy, funded by service fees collected by participating digital organizations, to provide certain benefits such as health care, retirement plans, and life insurance.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 2799 Jones-Sawyer**Adult-use cannabis and medicinal cannabis:
license application: OSHA training**

Requires an applicant for a state license under the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) to provide a statement that the applicant employs, or will employ within one year of receiving a license, one supervisor and one employee who have successfully completed a training course offered by a training provider authorized by an Occupational Safety and Health Administration (OSHA) Training Institute Education Center. Exempts applicants with only one employee.
STATUS: Chapter # 971, Statutes of 2018.

AB 2827 Travis Allen Employment regulation: immigration enforcement

Authorizes employers to voluntarily consent to federal immigration agency employment inspections, re-verify employment eligibility of current employees under specified conditions, and removes employer assessed penalties associated with federal immigration agency workplace inspections and related employee notification requirements.
STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 2840 Rubio Employment opportunities: persons with autism

Creates the Breaking Barriers in Employment for Adults with Autism Pilot Program (Program) in the counties of Sacramento and Los Angeles to increase long-term employment opportunities for young adults with autism. The California Workforce Development Board (CWDB) will administer the three-year Program, which must meet specified goals, including the creation of a manual to train employers in a) building capacity for adults with autism and b) the contents of that manual.
STATUS: In Assembly Appropriations Committee, dead bill.

AB 2841 Gonzalez Fletcher Sick leave: accrual and use

Increases the minimum amount of sick leave an employee is entitled to accrue to 40 hours by the 200th calendar day of employment, and allows an employer to limit an employee's use of this leave to 40 hours, or five days, in each year of employment. This bill also increases the sick leave accrual for in-home supportive services (IHSS) providers to 40 hours, or five days, beginning January 1, 2026.
STATUS: In Assembly Appropriations Committee, dead bill.

**AB 2875 Mathis Agricultural workers: wages, hours, and working conditions:
definitions**

Lists the occupations in which a person is deemed to be "employed in an agricultural occupation" for purposes of the Phase-In Overtime for Agricultural Workers Act of 2016.
STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 2907 Flora**Labor Code Private Attorneys General Act of 2004**

Provides an employer a right to cure any specified wage statements related violations brought under the Private Attorney General Act of 2004 (PAGA) within a 33-day period after being notified of the violation.

STATUS: In Assembly Committee on Labor and Employment, failed passage.

AB 2915 Caballero**Workforce development boards: mutual disaster aid assistance: memorandum of understanding**

Requires the California Workforce Development Board (CWDB) to develop, in conjunction with the Employment Development Department and with input from local workforce development boards, a policy regarding mutual aid agreements between local boards to enable them to effectively respond to disasters.

STATUS: Chapter # 722, Statutes of 2018.

AB 2946 Kalra**Division of Labor Standards Enforcement: complaint**

Extends the statute of limitations for complaints alleging workplace retaliation from six months to three years and authorizes the payment of attorney's fees to employees who successfully sue for retaliation based on whistleblowing.

STATUS: On the Assembly Floor, failed passage.

AB 2963 Kalra**Worker safety: blood lead levels: reporting**

Requires the California Department of Public Health (DPH) to report high lead level blood tests to the Division of Occupational Safety and Health (Division) and mandates certain inspection and reporting requirements by the Division upon receiving the results.

STATUS: Vetoes by Governor Brown.

AB 2974 Reyes**Workforce development: local workforce development board**

Requires local workforce development boards (LWDBs) to support employer efforts to align with public contracting needs in a manner that supports local workforce development opportunities.

STATUS: In Assembly Appropriations Committee, dead bill.

AB 3018 Low**State contracts: skilled and trained workforce**

Enhances compliance with skilled and trained workforce rules by strengthening public agency reporting requirements, creating penalties for noncompliance, and providing the Labor Commissioner (LC) with the authority to issue a civil wage and penalty assessment against a contractor or subcontractor found in violation of state law.

STATUS: Chapter # 882, Statutes of 2018.

AB 3031 Quirk Safety in employment: power tools: training

Requires an employer whose employees are involved in using power tools or other equipment for the cutting, grinding, coring, or drilling of concrete or masonry materials to provide specified training to those employees to reduce health hazards associated with the inhalation or ingestion of dust arising from those operations.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 3073 Low Investor-owned utilities: contracting

Requires that investor-owned utilities (IOUs) regulated by the Public Utilities Commission that award contracts on projects adhere to a competitive bidding process, require prevailing wages, and utilize registered apprentices or skilled journeypersons.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 3080 Gonzalez Fletcher Employment discrimination: enforcement

Prohibits a person from conditioning employment, continued employment, or the receipt of any employment-related benefit on the applicant for employment, the employee or independent contractor waiving certain rights and/or not disclosing sexual harassment.

STATUS: Vetoed by Governor Brown.

AB 3081 Gonzalez Fletcher, Bonta Employment: sexual harassment

Prohibits an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee's status as a victim of sexual harassment. Creates a rebuttable presumption of unlawful retaliation, for the 30 days after an employer learns that an employee has been the victim of domestic violence, sexual assault, sexual harassment or stalking, if an employer takes an adverse employment action against an employee. Imposes joint liability between a client employer and a labor contractor for harassment based on sex, as defined, for all workers supplied by that labor contractor. Prohibits the client employer and the labor contractor from taking any adverse action against any worker for providing notification of violations or for filing a claim or civil action.

STATUS: Vetoed by Governor Brown.

AB 3092 Patterson Agricultural labor relations: unfair labor practices

Considers a labor organization's abandonment or failure to represent a bargaining unit for three or more years an unfair labor practice requiring decertification of the labor organization by the Agricultural Labor Relations Board (ALRB).

STATUS: In Assembly Committee on Labor and Employment, failed passage.

AB 3093 Patterson Agricultural labor relations: unfair labor practices

Provides that an order imposing contract terms on parties as a result of the mandatory mediation and conciliation process (MMC) under the Agricultural Labor Relations Act (ALRA) shall not take effect until it is approved by the majority of bargaining unit members.

STATUS: In Assembly Committee on Labor and Employment, failed passage.

AB 3094 Patterson Agricultural labor relations: labor representative elections: misconduct

Expands the bases upon which the Agricultural Labor Relations Board (ALRB or board) may refuse to certify a union election to include misconduct by board personnel or a union and permits the board to order a second election unless misconduct by the employer or union is deemed egregious enough, in which case the board will certify against the offending party.

STATUS: In Assembly Committee on Labor and Employment, failed passage.

AB 3155 Cooper Public works: definition

Expands the meaning of the term "public works" to include warranty work, and would include warranty work within the definition of "construction" as it is used to define "public works."

STATUS: In Assembly Committee on Labor and Employment, dead bill.

AB 3222 O'Donnell Public works: prevailing wages

Expands the definition of "public works," for purposes of prevailing wage requirements, to also include any construction, alteration, demolition, installation, or repair work done under private contract on a project for a charter school when it is paid for, in whole or in part, with the proceeds of conduit revenue bonds issued on or after January 1, 2019.

STATUS: In Senate Appropriations Committee, dead bill.

AB 3231 Gray Employment: public works: apprenticeship

Empowers a Joint Labor-Management Committee (JLMC) to seek a court order requiring a public works contractor or subcontractor to provide certified payroll records. Requires the California Apprenticeship Council (CAC) and Chief of the Division of Apprenticeship Standards (DAS) to include, in its annual report to the Legislature, any apprenticeship standards that were proposed or adopted in the previous year.

STATUS: Chapter # 682, Statutes of 2018.

ACR 272 Kiley Careers in Construction Month

Recognizes October 2018 as Careers in Construction Month.

STATUS: In Assembly Committee on Labor and Employment.

AJR 34 E. Garcia, Caballero Agricultural workers: labor shortages

Urges Congress to acknowledge the problem of a labor shortage in the agricultural industry in California and to work together with California to solve the issue.

STATUS: Resolution Chapter # 172, Statutes of 2018.

Senate Bills

SB 63 Jackson Unlawful employment practice: parental leave

Provides up to 12 weeks of job-protected maternity and paternity leave for additional small business employees.

STATUS: Chapter # 686, Statutes of 2017.

SB 258 Lara Cleaning Product Right to Know Act of 2017

Requires an employer that is required to make a safety data sheet readily accessible to an employee pursuant to existing standards, to make readily accessible in the same manner, for cleaning products in the workplace, the information, as specified, regarding cleaning product ingredient information that would be posted on a manufacturer's internet website, among other provisions.

STATUS: Chapter # 830, Statutes of 2017.

SB 295 Monning Farm labor contractors: sexual harassment prevention

Provides for changes to the laws that govern obtaining and renewing a farm labor contractor (FLC) license, specifically provisions mandating sexual harassment prevention training.

STATUS: Chapter # 424, Statutes of 2017.

SB 306 Hertzberg Retaliation actions: complaints: administrative review

Grants the Labor Commissioner (LC) authority to seek an immediate and temporary injunction when workers face retaliation for reporting violations of the law. Gives the LC authority to issue citations and penalties directly to enforce retaliation claims, rather than exclusively through the courts. Authorizes an employee who is bringing a civil action for a retaliation claim to seek injunctive relief from the court. Authorizes the Division of Labor Standards Enforcement (DSLE) to commence an investigation of an employer, with or without a complaint being filed, when specified retaliation or discrimination is suspected during the course of a wage claim or other specified investigation being conducted by the LC.

STATUS: Chapter # 460, Statutes of 2017.

SB 396 Lara Employment: gender identity, expression, and sexual orientation

Requires that employers with 50 more employees include, as a part of the existing sexual harassment training, training on harassment based on gender identity and adds transgender and gender nonconforming to the list of individuals facing employment barriers for the purposes of workforce investment training.

STATUS: Chapter # 858, Statutes of 2017.

SB 418 Hernandez Public contracts: skilled and trained workforce

Revises the definition of "skilled and trained workforce" to exclude, from certain conditions, the work performed by specified occupations.

STATUS: Chapter # 393, Statutes of 2017.

SB 490 Bradford Wages: Barbering and Cosmetology Act: licensees

Allows beauty salon employees to be paid a percentage or flat sum commission in addition to a base hourly rate, if the employee is: Licensed pursuant to the Barbering and Cosmetology Act and receiving pay for providing services where that license is required; receiving a base hourly rate at least two times the state minimum wage rate in addition to commissions paid; and paid wages at least twice during each calendar month on a day designated in advance by the employer as the regular payday. Specifies an employee may be compensated for rest and recovery periods not less than the employee's regular base hourly rate.

STATUS: Chapter # 831, Statutes of 2017.

SB 621 Bradford Overtime compensation: private school teachers

Clarifies that the minimum salary standard for classifying part-time private school teachers as exempt employees is in proportion of the full-time instructional schedule for which the employee is employed. Also makes various clarifying changes to provisions related to overtime exemptions for private school teachers.

STATUS: Chapter # 99, Statutes of 2017.

SB 772 Leyva Occupational safety and health: regulations

Exempts any occupational safety and health standard and order from the standardized regulatory impact analysis requirement for major regulations contained in Government Code Section 11346.3 (c). Ensures that regardless of whether an occupational safety and health standard and order is or is not a major regulation, it shall not be exempted from the requirement to prepare an economic impact assessment pursuant to the procedure for adoption of regulations established in Government Code Section 11346.3 (b).

STATUS: On Assembly Floor, dead bill.

SB 789 Newman California apprenticeship council: report

Would have required the Chief of the Division of Apprenticeship Standards (DAS) and the California Apprenticeship Council to include an analysis of any apprenticeship standards or regulations that were proposed or adopted in the previous year in their annual report.

STATUS: The labor provisions were subsequently amended out of the bill.

SB 913 Hertzberg Public works: City of Los Angeles: graffiti abatement

Exempts from the requirement to pay a prevailing wage of per diem wages, graffiti abatement work performed pursuant to a contract between the City of Los Angeles and a nonprofit community-based organization if the work is performed by specified individuals.

STATUS: Chapter # 200, Statutes of 2018.

SB 937 Wiener, Leyva Lactation accommodation

Mandates that all employers provide a space meeting certain specifications for employees with a desire to express breast milk in private.

STATUS: Vetoed by Governor Brown.

SB 970 Atkins Employment: human trafficking awareness

Requires hotel or motel employers to provide at least 20 minutes of training regarding human trafficking awareness to employees who are likely to come in contact with victims of human trafficking.

STATUS: Chapter # 842, Statutes of 2018.

SB 1207 De León CalSavers Retirement Savings Program

Changes the name of the California Secure Choice Retirement Savings Program to the CalSavers Retirement Savings Program and makes other conforming changes.

STATUS: In Assembly Committee on Labor and Employment, dead bill.

SB 1223 Galgiani Construction industry: discrimination and harassment prevention policy

Instructs the Division of Labor Standards Enforcement (DLSE) to develop recommendations for a construction industry specific prevention policy and training standard to address harassment and discrimination on the bases prohibited in the Fair Employment and Housing Act (FEHA) and then report to the Legislature with recommendations for further action by no later than January 1, 2020.

STATUS: Vetoed by Governor Brown.

SB 1252 Pan Wages: records: inspection and copying

Clarifies that when an employee asserts his or her right to inspect and copy employment records, the employer is required to make the copies.

STATUS: Chapter # 464, Statutes of 2018.

SB 1284 Jackson Employers: annual report: pay data

Requires certain employers to submit a report each year to the Department of Fair Employment and Housing (DFEH) with pay data for specified job categories broken down by race, ethnicity, and sex.

STATUS: In Assembly Appropriations Committee, dead bill.

SB 1300 Jackson Unlawful employment practices: discrimination and harassment

Amends the anti-harassment provisions of the Fair Employment and Housing Act (FEHA) to expand potential employer liability to all forms of harassment by nonemployees, adds permissive training requirements, prohibits most non-disparagement agreements and releases of claims, limits the payment of prevailing defendant attorney's fees, and address chaptering out issues with SB 1038 (Leyva) of the current legislative session.

STATUS: Chapter # 955, Statutes of 2018.

SB 1343 Mitchell Employers: sexual harassment training: requirements

Expands sexual harassment prevention training. Mandates an employer who employs five or more employees, including temporary or seasonal employees, to provide at least two hours of sexual harassment training to all supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2020, and once every two years thereafter, as specified. Requires the Department of Fair Employment and Housing (DFEH) to develop or obtain 1-hour and 2-hour online training courses on the prevention of sexual harassment in the workplace, as specified, and to post the courses on the Department's Web site. Requires DFEH to provide existing informational posters and fact sheets, as well as the online training courses regarding sexual harassment preventions in certain languages as specified.

STATUS: Chapter # 956, Statutes of 2018.

SB 1402 Lara Labor contracting: customer liability

Requires joint and several liability for customers who contract with port drayage motor carriers who have unsatisfied judgments regarding unpaid wages, damages, expenses, penalties, and workers' compensation liability.

STATUS: Chapter # 702, Statutes of 2018.

SB 1412 Bradford Applicants for employment: criminal history

Requires employers to only consider convictions relevant to the job when screening job applicants using a criminal background check.

STATUS: Chapter # 987, Statutes of 2018.

SB 1428 McGuire Minors: employment: work permits

Prohibits a school from denying a work permit for a minor on the basis of the pupil's grades, grade point average, or school attendance, if the permit would allow the pupil to participate in a government-administered employment and training program that will occur during the regular summer recess or vacation of the school that the pupil attends. STATUS: Chapter # 420, Statutes of 2018.

SB 1470 Stern Commission on the Future of Work

Creates the Commission on the Future of Work (Commission), an advisory body comprised of eight appointed members, as specified. The Commission must organize research to understand the impact of technology on workers, employers, and the California economy, and develop recommendations on a policy framework to manage the development, deployment, regulation, taxation, and fair distribution of the benefits of technology used in the workplace. The Commission must submit its recommendations to the Legislature and the Governor no later than November 1, 2019. STATUS: In Assembly Appropriations Committee, dead bill.